

REMARKS

Claims 1, 11, and 12 were pending and were examined. Claim 1 is amended, no claims are canceled and new claim 15 is added. Claims 2-10 and 13-14 were previously canceled. Accordingly, claims 1, 11, 12 and 15 remain pending for further consideration and examination. Support for the amendment to claim 1 and newly presented claim 15 is found throughout the application and at least in paragraphs [00134] – [00136] of the substitute specification as well as FIG. 15. Accordingly, Applicant submits that no new matter has been added.

Claim Rejections under 35 USC §103

Claim 1 is rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2001/0030134 to Goglio et al., in view of U.S. Patent No. 5,423,421 to Inoue et al. and further in view U.S. Patent No. 4,608,043 to Larkin.

Specifically, the Examiner states that Goglio et al. discloses the claimed invention except for the following claim limitations: “an outer container body formed by at least one flexible sheet of material, the outer container body comprising a cavity; an inner container body disposed in the cavity of the outer body therein, wherein the carrying mode of the multi-chamber container is a mode folded in two” Office Action at p. 3. Additionally, the Examiner notes that Goglio et al. fails to teach a communication portion being at least one hole that permits communication between the chambers. The Examiner remedies these deficiencies by combining Goglio et al. with Inoue et al. and Larkin which allegedly disclose the above-mentioned claim elements.

The Examiner concludes that it would have been obvious to one skilled in the art to provide a multi-chamber inner container of Goglio et al. folded in two with an outer container as taught by Inoue et al. with at least one hole as a communication portion as suggested in Larkin to prevent inadvertent opening of the multi-chamber container and to provide an alternative communication means. Applicant respectfully disagrees and traverses the instant rejection.

Goglio et al. appears to be directed to a flexible container for products to be kept separate and mixed before use. The container is made of single-layer or multi-layer plastic material including two compartments intended to contain respective products which are kept

separate and mixed before use by breaking a line of separation between the compartments.

See Goglio et al. at Abstract.

Inoue et al. appears to be directed to a container having a plurality of chambers. The body of the container is made of flexible plastics and has partition means dividing the container body into the chambers and permitting communication between the chambers when required. At least one of the chambers is enclosed with a cover to form a closed space therein. The cover is made of a flexible film having barrier properties against moisture and gas. *See Inoue et al. at Abstract.*

Larkin is directed to a system for separately storing and mixing a diluent and a medicament within a dual chambered flexible container. The contents of the two chambers are mixed by compressing the sides of the flexible container to cause a weakened portion in the partition between the two chambers to rupture. Rupturing the weakened portion allows the diluent and medicament to mix. *See Larkin at Abstract.*

In contrast to the cited references, the currently claimed invention is directed to a multi-chamber container that accommodates a plurality of agents, comprising: an outer container body formed by at least one flexible sheet of material, the outer container body comprising a cavity; an inner container body disposed in the cavity of the outer body, the inner container body formed by at least one flexible sheet of material, wherein the inner container body includes at least a first filling chamber and a second filling chamber to fill agents; a communication portion provided to each of the first filling chamber and the second filling chamber such that the communication portion of a first filling chamber is separate and independent from the communication portion of a second filling chamber, the communication portion being at least one hole that permits communication with the outer container body; and an opening preventing portion that closes the communication portion in a carrying mode of the multi-chamber container, and wherein the opening preventing portion is a seal positioned between the filling chambers, the seal adapted to peel off by expanding the folded multi-chamber container to a use mode of the multi-chamber container. *See independent claim 1.*

Applicant submits that none of the cited references, either taken separately or in any combination, disclose or suggest a multi-chamber container that includes an outer container body and an inner container body having at least a first and a second filling chamber, where each of the filling chambers is in communication with the outer container body via a communication portion that is present in each of the filling chambers.

Instead, Goglio et al. teaches a tube 4 being clamped between the elastic element 2 and the rod 3, which separates the container into two compartments. *See* Goglio et al. at paragraph [0006]. Additionally, Goglio et al. describes separation of a container 10 into two compartments 11 and 12 by using a strip 15 of easy-open material, such as, for example, polyethylene or polypropylene. The strip 15 is not permanent but allows separation of the walls of the container when a certain force is exceeded. *See* Goglio et al. at paragraph [0029]. Accordingly, in order for the two compartments 11 and 12 to communicate with one another, the seal 15 must be broken.

Applicant submits that the seal 15 disclosed in Goglio et al. does not teach or in any way suggest a communication portion provided to each filling chamber, where the communication portion is at least one hole that permits communication between the filling chamber and an outer container body as recited in the instant claims. Rather, Goglio et al. simply teaches a seal that divides a container into two compartments. It cannot be said that a seal that divides a container into two compartments discloses or suggests a communication portion that is at least one hole.

Moreover, Applicant submits that Goglio et al. does not teach or suggest a multi-chamber container that has an outer container having a cavity, an inner container disposed in the cavity of the outer container, the inner container body including at least a first filling chamber and a second filling chamber. Thus, the disclosure of Goglio et al. cannot be seen to teach or suggest a communication portion that permits communication between a filling chamber and the outer container body.

Inoue et al. fails to remedy the deficiencies of Goglio et al. since Inoue et al. also fails to teach or suggest a communication portion being at least one hole that permits communication between the filling chamber and the outer container body. Instead, Inoue et al. appears to teach a container that has two weak seal portions, 8a, 8b, that extend transversely of the container at an intermediate portion of its height and formed by heat sealing.

The weak seal portions 8a, 8b, of Inoue et al. are adapted so that the opposed sheets or film making up the container can be separated from each other when required. The interior of the container is divided into two chambers 1a, 1b by the weak seal portions 8a, 8b. *See* Inoue et al. at col. 4, lines 12-37. In one embodiment, the container of Inoue et al. is enclosed with an outer bag 50. *See* Inoue et al. at col. 9, lines 45-51.

Applicant submits that the two weak seal portions 8a, 8b of Inoue et al. do not teach or suggest a communication portion that is at least one hole. The seal portions 8a, 8b of Inoue et al. are simply *seals* that are formed by heat sealing the plastic from which the container is made of. One skilled in the art would recognize that seals formed by heat sealing plastic are not holes. Moreover, the seal portions 8a, 8b do not allow the chambers 1a, 1b to be in communication with the outer bag 50, which is in distinct contrast to the instantly claimed invention. Accordingly, there is nothing in Inoue et al. that would teach or suggest the multi-chamber container having the communication portion recited in the instant claims.

Larkin also fails to teach or suggest the instantly claimed multi-chamber container since Larkin does not disclose a communication portion provided to each of the first filling chamber and the second filling chamber such that the communication portion of a first filling chamber is separate and independent from the communication portion of a second filling chamber, the communication portion being at least one hole that permits communication with the outer container body. Instead, Larkin teaches a system that separately stores a diluent and a medicament within a dual chambered flexible container. The contents of the two chambers are separated by a partition that has a weakened portion that ruptures when the chambers are compressed. Rupturing of the weakened portion allows the contents of the chambers to mix. *See* Larkin at Abstract, and FIGS. 1 and 5.

Applicant submits that a weakened portion of a partition does not disclose or suggest a at least one hole that permits communication between a filling chamber and an outer container body as recited in the instant claims. Additionally, Applicant notes that the weakened portion of the partition that is disclosed in Larkin is clearly shared between the two chambers. *See* Larkin at FIG. 1 and 5 and col. 2, lines 43-47. Thus, the weakened portion that is shown and described in Larkin is completely opposite from the instant claims since the communication portion that is provided to the first filling chamber is separate and independent from the communication portion that is provided to the second filling chamber, *i.e.*, the communication portion is not shared between the first and second filling chambers.

There is nothing in Larkin that would teach or suggest the communication portion that is recited in the instant claims. Moreover, one skilled in the art would not be motivated to modify the system of Larkin to obtain the instantly claimed invention since such modification would inhibit the ability to mix the components of the system disclosed in Larkin.

In view of the foregoing, Applicant respectfully submits the instant rejection is overcome and respectfully requests reconsideration and withdrawal of the same.

Claims 11 and 12 are rejected under 35 USC §103(a) as allegedly being unpatentable over Goglio et al., Inoue et al. and Larkin as applied to claim 1 above and further in view of U.S. Patent Application Publication No. 2004/0188281 to Iwasa et al. Applicants respectfully disagree and traverse the instant rejection.

Goglio et al., Inoue et al. and Larkin are discussed in more detail above. Iwasa et al. is directed to a medicine bag used in the medical field or the like. Specifically, the medicine bag of Iwasa et al. is used by providing a weak seal portion that divides its bag body into a plurality of division spaces, removing the sealing of the weak seal portion adjacent to a specific division space by increasing the internal pressure of that division space and mixing a medicine stored in a predetermined division space. Iwasa et al. at para. [0002].

Iwasa et al. does not remedy the deficiencies of Goglio et al., Inoue et al. and/or Larkin either taken separately or in any combination since Iwasa et al. also fails to disclose or suggest a multi-chamber container as instantly claimed having, *inter alia*, a communication portion provided to each of the first filling chamber and the second filling chamber such that the communication portion of a first filling chamber is separate and independent from the communication portion of a second filling chamber, the communication portion being at least one hole that permits communication with the outer container body.

Accordingly, since claims 11 and 12 depend on claim 1, for the reasons discussed above with respect to claim 1, claims 11 and 12 are not rendered obvious by the cited references either taken alone or in any combination. Therefore, Applicant respectfully requests reconsideration and withdrawal of the instant rejection.

Conclusion

Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. An early action to that effect is earnestly solicited.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicant believes that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicant's attorneys.

Respectfully submitted,

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